

**REMARKS**

Claims 1-13, 44-61, 63, 65-73, 76, 77, and 79-84 are all of the claims presently pending in the application. Claims 4-10, 15-30, 34-40, 45-57, 60, 63, 66-71, 79 and 84 are withdrawn from consideration. Applicants have amended various claims to more particularly define the claimed invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicants gratefully acknowledge the Examiner's indication that claims 1-3, 11-13, 41-43, 58, 59, 61, 65, 72, 73, 76, 77, 80 and 83 are allowed. Applicants respectfully submit that all of claims are allowable.

Claims 31-33 and 81-82 stand rejected under 35 U.S.C. 101 allegedly because claimed invention is directed to non-statutory subject matter.

This rejection is respectfully traversed in the following discussion.

**I. THE CLAIMED INVENTION**

The claimed invention (e.g., as defined by exemplary claim 31) is directed to, for example, a non-transitory computer-readable storage medium on which is encoded a spanning tree configuration program of machine-readable instructions that operates on each node that configures a spanning tree over a network to which a plurality of nodes are connected, the instructions include a function that generates a new spanning tree after a network configuration change while continuing to operate only a spanning tree that existed before the

network configuration change, and a function that switches the existed spanning tree to be used for forwarding to said new spanning tree only after receiving a notification of an expiration of a specified time from a stable timer that notifies of the expiration of the specified time indicating of a stabilization of said new spanning tree.

## **II. THE NON-STATUTORY SUBJECT MATTER REJECTION**

The Examiner alleges that Claims 31-33, 81 and 82 are rejected under 35 U.S.C. 101 because the claimed invention allegedly is directed to non-statutory subject matter.

As suggested by the Examiner and in accordance with the new USPTO's "Interim Patent Subject Matter Eligibility Examination Instructions" issued on August 24, 2009, the claim limitation of computer readable medium was clarified to be non-transitory.

Therefore, this rejection should now be removed and claims 31-33, 81 and 82 should also be allowed.

## **III. FORMAL MATTERS AND CONCLUSION**

With respect to the Examiner's claim objections, Applicants submit that the claims have been amended in a manner fully responsive to the Examiner's objections. Specifically, Claims 1, 3, 31, 33, 58, 59, 72, 73 and 80-83 were objected to because of informalities. The claims were clarified and therefore, the objections should now be removed.


In view of the foregoing, Applicants submit that claims 1-13, 44-61, 63, 65-73, 76, 77, and 79-84, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants request the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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